



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Final Resolution 17628

HEARING DATE: JUNE 19, 2008

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Project Name: **Amendments relating to Planning Code Section 315.4:
Fee refund provision for providing BMR units onsite**

Case Number: 2008.0640T [Board File No. 08-0736]

Initiated by: Mayor / Introduced May 30, 2008

Staff Contact: Elaine Forbes, Finance Director
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Reviewed by: Alicia John-Baptiste, Chief Administrative Officer
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Recommendation: **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 315.4 TO CHANGE THE REFUND PROVISION FOR PROJECTS THAT PROVIDE BELOW MARKET RATE UNITS ONSITE AND WOULD CODIFY A ZONING ADMINISTRATOR INTERPRETATION THAT THE REFUND PROVISION APPLIES ONLY TO PROJECTS THAT FILED ON OR AFTER JUNE 18, 2001.

WHEREAS, on May 30, 2008, Mayor Newsom introduced a proposed Ordinance, File Number 08-0736 which would amend Planning Code Section 315.4 to change the refund provision for projects that provide below market rate units onsite and would codify a Zoning Administrator interpretation that the refund provision applies only to projects that filed on or after June 18, 2001, and

WHEREAS, the Planning Commission will not receive a General Fund subsidy in FY2008-2009 to support the Section 315.4 refund provision of 100 percent of Planning Fees, the cost of the subsidy is disproportionate to the policy goal of having below market rate units provided for onsite, and the methodology is inconsistent with the refund provision for building permits.

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 19, 2008; and,

The Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

The Department has not received any letters or phone calls in support or in opposition to the proposed Ordinance.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 19, 2008.



Linda Avery

Commission Secretary

AYES: 6

NOES: 0

ABSENT: 0

ADOPTED: